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REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-NINTH SESSION

Albania, Algeria, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, India, Israel, Italy, Kenya, Mexico, Mongolia, Morocco, Nigeria, Norway, Peru, Poland, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, Thailand, Turkey, Uganda, Uruguay and Venezuela: draft resolution

Report of the United Nations Commission on International Trade Law on the work of its twenty-ninth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and thereby to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and with different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twenty-ninth session, 1/

Mindful of the valuable contribution to be rendered by the Commission within the framework of the United Nations Decade of International Law, particularly as regards the dissemination of international trade law,

Concerned that activities undertaken by other bodies of the United Nations system in the field of international trade law without coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law, as stated in its resolution 47/106 of 16 December 1992,

Having considered the report of the Secretary-General, 2/

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its twenty-ninth session;

2. Notes with satisfaction the completion and adoption by the Commission of the Model Law on Electronic Commerce; 3/

3. Commends the Commission for the finalization of the Notes on Organizing Arbitral Proceedings; 4/

4. Expresses its appreciation for the progress made in its work on the subjects of receivables financing and cross-border insolvency;

5. Welcomes the decision by which the Commission requested the Secretariat to review, with the assistance of experts and in cooperation with other international organizations having expertise in build-operate-transfer arrangements, issues on which legislative guidance might be useful, and to commence the preparation of a legislative guide on build-operate-transfer projects;

1/ Official Records of the General Assembly, Fifty-first Session, Supplement No. 17 (A/51/17).

2/ A/51/382.

3/ Official Records of the General Assembly, Fifty-first Session, Supplement No. 17 (A/51/17), annex I.

4/ Ibid., chap. II.

6. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field and, in this connection:

(a) Calls upon all bodies of the United Nations system and invites other international organizations to bear in mind the mandate of the Commission and the need to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law;

(b) Recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other international organs and organizations, including regional organizations as well as other bodies, such as the International Institute for the Unification of Private Law, which are active in the field of international trade law and other related areas;

7. Also reaffirms the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, such as assistance in the preparation of national legislation based on legal texts of the Commission;

8. Expresses the desirability for increased efforts by the Commission in sponsoring seminars and symposia to provide such training and technical assistance, and in this connection:

(a) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Belarus, Chile, Colombia, Gabon, Guinea, Greece, the Islamic Republic of Iran, Kazakstan, New Zealand, Paraguay, Slovenia, Turkey and the United Arab Emirates;

(b) Expresses its appreciation to the Governments whose contributions made it possible for the seminars and briefing missions to take place, and appeals to Governments, the relevant United Nations organs, organizations and institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

9. Appeals to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

10. Appeals to Governments, the relevant United Nations organs, organizations and institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the Trust Fund for travel

assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

11. Decides to include the Trust Fund for Symposia and the Trust Fund for travel assistance in the list of funds and programmes that are dealt with at the United Nations Pledging Conference for Development Activities;

12. Decides, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue its consideration in the competent Main Committee during the fifty-first session of the General Assembly of granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

13. Requests the Secretary-General to ensure that adequate resources are allocated for the effective implementation of the programmes of the Commission;

14. Stresses the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions.